

REMARKS

In the application claims 1-25 and 27-39 remain pending, claim 26 having been canceled. Presently, no claims have been indicated to be allowable. The reconsideration of the rejection of the claims is, however, respectfully requested.

The pending claims generally stand rejected under 35 U.S.C. § 103 as being rendered obvious by combinations of Takagi (U.S. Patent No. 5,486,893), Lee (U.S. Patent No. 5,635,984), Kuchta (U.S. Patent No. 5,164,831), Kagle (U.S. Patent No. 6,148,149), and Higgins (U.S. Patent No. 5,835,627). In response to this rejection, it is respectfully submitted that, when evaluating a claim under 35 U.S.C. § 103, it is impermissible to break the claim into its component parts and then merely find a reference containing one part, another reference containing another part, etc., while using the disclosure of the applicant as a template to combine these parts for the purpose of deprecating the claimed invention. Thus, to assure that such “hindsight reasoning” is not used when assessing the patentability of a claimed invention, a rejection based upon a combination of references requires a demonstration that an artisan of ordinary skill in the art at the time of the invention, confronted with the same problems and with no knowledge of the claimed invention, would have selected the various parts from the references and combined them in the claimed manner. It is additionally impermissible to pick and choose from a reference only that which may support a position of obviousness while disregarding what a reference fairly teaches in its entirety.

Considering now the rejection of the claims based upon Takagi as modified by Lee as further modified by Kuchta. In rejecting the claims based upon these references, it was first asserted that “it would have been obvious to compress each resultant image as claimed, since Lee teaches that in order to display multiple images on a camera screen, as in Fig. 15 of Takagi, the images must be reduced so that they fit onto the screen.” As correctly noted in

the Office Action, this proposed modification of Takagi using the teachings of Lee fails, however, to provide for the claimed placing each of the selected one of a plurality of compressed, resultant images into a concatenation file... or storing the each of the selected one of the plurality of compressed, resultant images...

Considering now Kutcha, it is respectfully submitted that Kutcha fails to disclose, teach, or suggest modifying the combined Takagi and Lee to include placing each of the selected one of a plurality of compressed, resultant images into a concatenation file... or storing the each of the selected one of the plurality of compressed, resultant images. Rather, than disclose, teach, or suggest storing compressed, altered versions of original images as is claimed, Kuchta, as correctly noted in the Office Action, discloses “a digital camera that stores images in a format that includes both reduced and high resolution versions of an original image” to offer the advantage of “quick review of images captured by or stored in the camera prior to further processing or selection.” Thus, it will be appreciated that Kutcha teaches directly against modifying Takagi or Lee to include storing each of the selected one of a plurality of compressed, *resultant images* into a concatenation file. For at least this reason, it is respectfully submitted that the rejection of the claims must be withdrawn.

It is additionally submitted that, like Kuchta, neither Takagi nor Lee disclose, teach, or suggest the claimed selecting one a plurality of compressed, resultant images for storage. While Lee may suggest the desirability of compressing the images of Takagi to thereby allow for the displaying of plural, compressed images, neither Takagi nor Lee disclose, teach, or suggest the desirability of selecting one of plural, compressed images for any purpose other than for the purpose of using the camera settings associated with the selected image to actually take a photograph. Accordingly, when each of Kuchta, Takagi, and Lee are fully and fairly considered in their entirety, it is evident that the references fail to have the disclosure,

teaching, or suggestion required to maintain the rejection under 35 U.S.C. § 103. For at least this reason the rejection of the claims must be withdrawn.

With respect to independent claims 25 and 27, it is submitted that the claims are not only allowable for the reasons set forth above but for the further reason that Kagle fails to disclose, teach, or suggest the elements of claims 25 and 27 noted to be missing from Tagaki, Lee, and Kuchta. For example, claims 25 and 27 set forth that the concatenation file includes data indicative of the degree to which each of the compressed images was rotated (or if the compressed image was flipped) as compared to its original image so that the data may be used to restore the image to its original orientation when the image is decompressed and displayed. Rather than disclose, teach, or suggest these claim elements, Kagle describes a system in which a digital camera includes an orientation sensor and, when a picture is taken, the picture can be automatically rotated to correct for camera rotation prior to the picture image being stored in the camera or the picture image can be stored in the camera as taken with an indication of the degree of camera rotation to thereby allow the picture image to be rotated to correct for camera rotation when the picture image is viewed on an external device. As discussed in prior submitted remarks, Kagle is not concerned with the purposeful rotation (or flipping) of an original image (for the purpose of effecting the compression ratio of the original image) which then requires the re-rotation (or re-flipping) of the image when it is decompressed so that the image can be displayed with the same orientation as the original image from which the representation was created. Instead, Kagle is only concerned with ensuring that a picture is always displayed using a “landscape orientation.”

Contrary to the position taken in the Office Action, Kagle does not describe that all images are stored in a landscape orientation. As noted above, Kagle describes “two different ways” of ensuring a landscape orientation for pictures, namely, by embedding a flag within the formatted image object that specifies the orientation of the camera when the image was

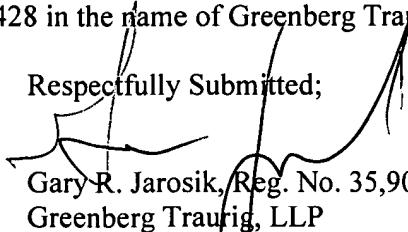
captured (i.e., there is no rotation of the image prior to it being stored – only rotation into the landscape mode when the image is displayed) or the image can be rotated into the landscape orientation when it is stored so that there is no need for further image manipulations (i.e., there is no storage of the degree of camera rotation and no re-rotation of the image when it is displayed). (Col. 3, line 57-Col. 4, line 20). **Nowhere** does Kagle disclose, teach, or suggest that “a captured portrait images that is stored in the default landscape orientation is rotated 90 degrees for display so that the portrait orientation of the displayed image corresponds to the portrait orientation of the original image.” Rather, in such a case, Kagle only describes that a image stored in landscape orientation is displayed without further image manipulation, i.e., in that same landscape orientation. Accordingly, Kagle fails to disclose those elements of the claims, considering each and every word, which have been acknowledged to be missing from Takagi, Lee, or Kuchta and, for this reason, it is submitted that the claims 25 and 27 must be deemed to contain patentable subject matter.

#### CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner is authorized to charge any fee deficiency to deposit account 50-2428 in the name of Greenberg Traurig.

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